



4. Defendant Wells Fargo Bank, N.A. d/b/a Wells Fargo Home Mortgage (“Wells Fargo”), is a Georgia business entity with an address of 40 Technology Parkway South, Suite 300, Norcross, Georgia 30092, and is a “person” as defined by 47 U.S.C. § 153(39).

### **FACTS**

5. In or around August 2014, Wells Fargo began calling Plaintiff’s cellular telephone, number 706-XXX-9058, using an automatic telephone dialing system (“ATDS”) and an artificial or prerecorded voice.

6. Wells Fargo called Plaintiff from telephone number 800-956-4442 to solicit its mortgage services.

7. When Plaintiff answered calls from Wells Fargo, he heard a prerecorded message instructing him to wait for the next available representative.

8. In or around September 2014, Plaintiff requested that Wells Fargo stop calling his cellular telephone because he was happy with his current mortgage services.

9. Nevertheless, Wells Fargo continued to place automated calls to Plaintiff’s cellular telephone.

**COUNT I**  
**VIOLATIONS OF THE TCPA –**  
**47 U.S.C. § 227, et seq.**

10. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

11. At all times mentioned herein, Defendant called Plaintiff on his cellular telephone using an ATDS and a prerecorded or artificial voice.

12. Despite being directing to cease calls, Defendant continued to place automatic telephone calls to Plaintiff's cellular telephone. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

13. The telephone number called by Defendant was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

14. The calls from Defendant to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

15. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call made in negligent violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

16. Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 for each call made in knowing and/or willful violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: June 22, 2015

Respectfully submitted,

By: /s/ Sergei Lemberg, Esq.  
Attorney Bar No.: 598666  
Attorney for Plaintiff Donald Pressley  
LEMBERG LAW L.L.C.  
1100 Summer Street, Third Floor  
Stamford, CT 06905  
Telephone: (203) 653-2250 ext. 5500  
Facsimile: (203) 653-3424  
Email: [slemberg@lemborglaw.com](mailto:slemberg@lemborglaw.com)